

**United States Bankruptcy Court  
Central District of California  
Riverside  
Judge Mark Houle, Presiding  
Courtroom 301 Calendar**

**Tuesday, November 9, 2021**

**Hearing Room 301**

11:00 AM

**6:20-10850 Raymond Daniel Yaisrael and Koytoya Deona Arnold**

**Chapter 13**

**#1.00** Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1110 North Solano Privado #C, Ontario, CA 91764  
(Motion filed 10/15/21)

MOVANT: WELLS FARGO BANK

EH\_\_

Docket 46

**Tentative Ruling:**

Given the default, parties to apprise the court of adequate protection discussions.

APPEARANCES REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Raymond Daniel Yaisrael

Represented By  
Michael E Clark

**Joint Debtor(s):**

Koytoya Deona Arnold

Represented By  
Michael E Clark

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Sean C Ferry

**Trustee(s):**

Rod Danielson (TR)

Pro Se

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**6:21-13725 Jerry Carrillo Rangel**

**Chapter 7**

**#2.00** Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 4485 Felspar Street Riverside, California 92509  
(Motion filed 10/12/21)

MOVANT: CHAMPION MORTGAGE COMPANY

EH\_\_

Docket 9

**Tentative Ruling:**

The Court finds cause under §§ 362(d)(1) and 362(d)(1) because Debtor is merely a tenant in the Property with no ownership interest, as reflected in Debtor's Schedules and the Moving papers, and there being no opposition from Debtor [Dkts. No. 1 and No. 9, pg. 4].

Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(2);
- GRANT requests under ¶2;
- GRANT waiver of FRBP 4001(a)(3) stay ¶7.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

<b>Party Information</b>
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**Debtor(s):**

Jerry Carrillo Rangel

Represented By  
John Asuncion

**Movant(s):**

Champion Mortgage Company., et al

Represented By  
Bonni S Mantovani

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**CONT... Jerry Carrillo Rangel**

**Chapter 7**

**Trustee(s):**

Arturo Cisneros (TR)

Pro Se

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**6:21-14768 Patra Yvonne Abbott**

**Chapter 7**

**#3.00** Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: 2016 Ford Escape, VIN: 1FMCU0G7XGUC43656 (Insurance Proceeds) .  
(Motion filed 10/14/21)

Also #3.1

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH\_\_

**[Tele. appr. Sheryl lth, rep. creditor, Ford Motor Credit]**

Docket 11

**Tentative Ruling:**

When considering a motion for relief from the automatic stay to pursue a non-bankruptcy action, the Court considers the *Curtis* factors:

(1) Whether the relief will result in a partial or complete resolution of the issues; (2) the lack of any connection with or interference with the bankruptcy case; (3) whether the foreign proceeding involves the debtor as fiduciary; (4) whether a specialized tribunal has been established to hear the particular cause of action and whether that tribunal has the expertise to hear such cases; (5) whether the debtor's insurance carrier has assumed full financial responsibility for defending the litigation; (6) whether the action essentially involves third parties, and the debtor functions only as a bailee or conduit for the good or proceeds in question; (7) whether the litigation in another forum would prejudice the interests of other creditors, the creditor's committee and other interested parties; (8) whether the judgment claim arising from the foreign action is subject to equitable subordination; (9) whether movant's success in the foreign proceeding would result in a judicial lien avoidable by the debtor under Section

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**Patra Yvonne Abbott**

**Chapter 7**

522(f); (10) the interests of judicial economy and the expeditious and economical determination of litigation for the parties; (11) whether the foreign proceedings have progressed to the point where the parties are prepared for trial; and (12) the impact of the stay and the "balance of hurt."

*In re Roger*, 539 B.R. 837, 844-45 (C.D. Cal. 2015) (citing *In re Curtis*, 40 B.R. 795, 800 (Bankr. D. Utah 1984) (emphasis added)). In *Roger*, the Court further stated:

The Ninth Circuit has recognized that the *Curtis* factors are appropriate, nonexclusive, factors to consider in deciding whether to grant relief from the automatic stay to allow pending litigation to continue in another forum. While the *Curtis* factors are widely used to determine the existence of cause, not all of the factors are relevant in every case, nor is a court required to give each factor equal weight. According to the court in *Curtis*, the most important factor in determining whether to grant relief from the automatic stay to permit litigation against the debtor in another forum is the effect of such litigation on the administration of the estate. Even slight interference with the administration may be enough to preclude relief in the absence of a commensurate benefit. That said, some cases involving the automatic stay provision do not mention the *Curtis* factors at all. Nevertheless, although the term "cause" is not defined in the Code, courts in the Ninth Circuit have granted relief from stay under § 362(d) (1) when necessary to permit pending litigation to be concluded in another forum if the non-bankruptcy suit involves multiple parties or is ready for trial.

*Id.* at 845 (quotations and citations omitted). As is typically the case, "[t]he record does not indicate that *Curtis* factors 3, 4, [ ] 6, 8, or 9 are at issue in this case, nor do the parties argue to the contrary." *Id.*

Turning to the remaining of the factors, the Court concludes that the majority of the factors weigh in favor of granting the Movant relief from the automatic stay because

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**Chapter 7**

Movant "seeks relief from the automatic stay in order to recover only the insurance proceeds with respect to the Vehicle, with any overage to be sent to the Trustee's office." [Dkt. No. 11, pgs. 10-11]. Because Movant is not seeking to recover from Debtor or the bankruptcy estate, granting relief from stay will not interfere with the administration of the bankruptcy estate or prejudice any creditors. Furthermore, the Court notes that it deems Debtor's failure to oppose to be consent to the relief requested pursuant to Local Rule 9013-1(h) and 11 U.S.C. § 362(g)(2).

Based on the foregoing, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT waiver of Rule 4001(a)(3) stay.
- Parties to discuss when any overage should be delivered.

APPEARANCES REQUIRED.

<b>Party Information</b>
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**Debtor(s):**

Patra Yvonne Abbott

Represented By  
Neil R Hedtke

**Movant(s):**

Ford Motor Credit Company LLC

Represented By  
Sheryl K Ith

**Trustee(s):**

Karl T Anderson (TR)

Pro Se

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**6:21-14768 Patra Yvonne Abbott**

**Chapter 7**

**#3.10** CONT. Pro se Reaffirmation Agreement Between Debtor and Ford Motor Credit Company LLC, in the amount of \$29,542.14 re: 2016 Ford Escape

Also #3.0

From: 11/3/21

EH\_\_

Docket 8

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Patra Yvonne Abbott

Represented By  
Neil R Hedtke

**Trustee(s):**

Karl T Anderson (TR)

Pro Se

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**6:21-15185 Phillip Jason Sears and Melinda Marie Vazquez-Sears**

**Chapter 7**

**#4.00** Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Qwest LS 820 XRE Cruise (Motion filed 10/18/21)

MOVANT: LBS FINANCIAL CREDIT UNION

EH\_\_

**[Tele. appr. Karel Rocha, rep. creditor, LBS Financial]**

Docket 13

**Tentative Ruling:**

For the reasons stated in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. §362(d)(1) and §362(d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay ¶6.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

<b>Party Information</b>
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**Debtor(s):**

Phillip Jason Sears

Represented By  
Jonathan R Preston

**Joint Debtor(s):**

Melinda Marie Vazquez-Sears

Represented By  
Jonathan R Preston

**Movant(s):**

LBS Financial Credit Union

Represented By  
Karel G Rocha



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**CONT... Phillip Jason Sears and Melinda Marie Vazquez-Sears**

**Chapter 7**

**Trustee(s):**

Lynda T. Bui (TR)

Pro Se